

**REMARKS**

Applicants respectfully request reconsideration of this application in view of the following remarks.

**Claim Status**

Claims 1-18 are pending and are rejected. Claims 1 and 10 are independent in form.

**Prior Art Rejections**

Claims 1-3 and 10-12 have been rejected under 35 U.S.C. §102(b) as being anticipated by USP 5,339,351 to Hoskinson et al. ("Hoskinson"). (See ¶4 of the Office Action). Dependent claims 4-8 and 13-18 have been rejected under 35 U.S.C. 103(a) as being unpatenable over Hoskinson in view of the admitted prior art. (See ¶6 of the Office Action).

**Claims 1 and 10**

In regard to claims 1 and 10, the Examiner has taken the position that Hoskinson discloses all the elements recited in these claims. (See Office Action, ¶4, pp. 3-4.)

Applicants respectfully do not agree with the Examiner with regard to the teachings attributed to Hoskinson. Applicants respectfully submit that, in our opinion, the teachings of Hoskinson are not and cannot be as stated by the Examiner in rejecting claims 1 and 10 for at least the following reasons.

Hoskinson is directed to a hardware identification module, physically installed in correspondence to each residential telephone set or PBX extension, which module is enabled during emergency calls to respond to emergency dispatcher inquiries of the caller location information (see e.g. Hoskinson col. 2 lines 35-40). By use of this hardware identification

module, Hoskinson addresses the emergency caller disconnect problem by allowing the emergency identification module to remain enabled for some time after the caller disconnects from the emergency call, thus allowing the emergency dispatcher to callback the emergency caller. When the emergency caller goes off-hook to answer the call, the dispatcher can access the emergency location storage containing the location information of the emergency caller. Further, Hoskinson relies on the information conveyed in the RING and TIP lines of the analog phone for enabling access to the location response module and the location storage module (see Hoskinson, Figure 2).

Applicants' invention, which stores the emergency caller information in a buffer at the customer premises equipment (CPE) (that includes the ELIN, callback numbers and other information) for both analog and digital phones is very different from the system, of Hoskinson in many respects.

According to the present invention, when an emergency call is detected, the caller information is copied from the database and kept in a buffer until that information is received by the public safety answering point (PSAP). Under the present invention as claimed, the emergency call is not disconnected before the information is received by the PSAP. Clearly, the present invention is implemented at the CPE. The CPE, with reference to the specification, e.g., Figure 1 and corresponding description, comprises the PBX or MLTS or the like and not the individual telephones or extensions. The present invention provides a universal solution by way of an integrated system at the CPE comprising a database at the CPE representing any and all associated telephones. This is very different than the system of Hoskinson where a separate and dedicated hardware identification module is used for each telephone or extension.

Thus, at least in these regards, the system of Hoskinson is very different from that of Applicants' invention. Accordingly, Hoskinson can not fairly be said to teach or suggest the claimed invention in which signaling messages for both digital and analog phones are used to insure that the ELIN and/or callback information are delivered to a PSAP prior to the PBX disconnecting the call.

Specifically, in rejecting claims 1 and 10, the Examiner contends that Hoskinson teaches that "upon initiation of emergency call, storing the ELIN and/or callback number in a buffer," as claimed. The Examiner contends that the buffer is "not shown but inherently inside location response module 39" (see Office Action ¶4, page 3). Applicants respectfully disagree. Hoskinson does not disclose storing location information in a buffer – it only stores the ELIN in a more permanent storage block such as a PROM or EPROM (see e.g. Col. 8, lines 10-17). Hoskinson does not even discuss the use of a buffer, nor does it suggest any such storage device. Further, it is unclear under the teaching of Hoskinson where or how the information would be buffered in such an architecture. To the contrary, Hoskinson teaches that the dispatcher location request is directed to the storage block (see Hoskinson, col. 2, lines 62-68). To make a rejection based on inherency, objective evidence or cogent technical reasoning must be given to support the conclusions of inherency. (See e.g. MPEP ¶2112). It is respectfully submitted that the Examiner's assertion that the use of a buffer is inherent in the teaching of Hoskinson is thus not supported. Such unsupported and unreasoned conclusion of inherency cannot properly support the stated rejection.

The Examiner then asserts that Hoskinson teaches "upon detecting an on-hook event, transmitting the ELIN/or callback number from the buffer to PSAP." Applicants respectfully submit that Hoskinson does not teach or suggest transmitting the location

identification and/or callback number from the buffer to a PSAP upon detecting an on-hook event, as alleged by the Examiner. In Hoskinson, the location information is requested by the dispatcher after the call disconnects. According to Hoskinson, the request is initiated by the dispatcher by calling back the disconnected emergency caller, and if the emergency caller goes off-hook to answer the call, the dispatcher can access the location information (see Hoskinson col. 3, lines 1-9).

At least the foregoing claimed elements are not found in Hoskinson.

In view of the foregoing, the present invention as recited in independent claims 1 and 10 is thus clearly distinguishable from Hoskinson in at least the several respects stated above. Furthermore, the environment and functionality of the present invention is thus different from that of Hoskinson in at least the foregoing respects.

Accordingly, the present invention as recited in claims 1 and 10 is neither anticipated by nor rendered obvious in view of the limited and different teachings of Hoskinson taken alone or in combination with the other references of record for at least the foregoing reasons.

### **Dependent Claims**

Applicants have not independently addressed the rejections of the dependent claims 2-9 and 11-18 because Applicants believe that, as the independent claims 1 and 10 from which the dependent claims depend are allowable for at least those reasons discussed *supra*, the dependent claims are allowable for at least similar reasons. Applicants however, reserve the right to address such rejections should such be necessary.

In view of the foregoing, Applicants believe that claims 1-18 as pending are allowable over the prior art of record, taken alone or in combination, and respectfully request that the respective rejections be withdrawn and the application allowed.

**CONCLUSION**

Based on the foregoing, Applicants respectfully request reconsideration and allowance of this application.

Applicants believe no fees or extension of time are required for this Amendment. However, should an extension of time be required for the timely submission of this paper, such extension of time is hereby petitioned and the Commissioner is hereby authorized to charge any additional fees which may be required for this paper, or credit any overpayment, to Deposit Account No. 19-2179.

In the event that a telephone conference would facilitate prosecution, the Examiner is invited to contact the undersigned at the number provided.

Respectfully submitted,

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